

REMARKS

Claims 1-16 are pending. Claims 14 and 15 previously were withdrawn in response to a restriction requirement. None of the pending claims is currently amended.

Claims 1-13 and 16 are rejected as unpatentable over JP 08-167424 (Shiga) in view of JP 06-068893 (Tsuji). Applicants respectfully disagree with these rejections for at least the following reasons.

Claim 1 recites a water purging device for purging water which is generated during a power generation operation in a fuel cell stack. Claim 1 also recites a control unit operatively connected to electrical heaters in the fuel cell stack and to the water purging device. The control unit operates the electrical heaters and the water purging device when a power generation stop command for stopping the power generation operation in the fuel cell stack is output.

The foregoing claim features can be appreciated with reference to the example of FIG. 1, which shows a water purging device (*e.g.*, compressor 7) for purging water produced in fuel cell stack 1 during power generation. A control unit 6 is operatively connected to electrical heaters 5 in the fuel cell stack and to the compressor 7. The control unit 6 operates the electrical heaters 5 and the compressor 7 in response to a power generation stop command for stopping the power generation operation in the fuel cell stack 1. *See* p. 11, second paragraph. Neither the Shiga patent, nor the Tsuji patent, nor any reasonable combination thereof, discloses or renders obvious the claimed subject matter.

The Shiga patent discloses a fuel cell stack 1 with metal pressure plates 93, 94 at opposite ends thereof. *See* Drawing 1. A laminated heating element 2 is near each end of the fuel cell stack 1 between respective current collecting plates 91 and the fuel cells 6 adjacent the respective current collecting plates 91. The Shiga patent does not disclose a water purging device for purging water which is generated during a power generation operation in a fuel cell stack, as recited in claim 1. Indeed, the Office Action does not make any allegations to the contrary.

The Tsuji patent discloses a fuel cell 1 and a pump 21 that circulates heated water through a heat exchanger 2 in the fuel cell 1 when the fuel cell is not producing electricity. *See* FIG. 1 and Abstract. The water is heated by heating means 25 provided at opposite ends of the fuel cell 1. This allegedly helps prevent freezing of the electrolyte in the fuel cell 1 when the fuel cell 1 is not producing electricity.

The Office action alleges that the Tsuji patent discloses a water purging device for purging water which is generated during a power generation operation in a fuel cell stack, as recited in claim 1. That is not correct. Instead, as indicated above, the pump 21 in the Tsuji patent circulates heated water through the fuel cell 1 to help prevent freezing of the electrolyte. The heated water is not water generated during a power generation operation, as recited in claim 1. Nor is the pump 21 in the Tsuji patent a water purging device for purging water generated during a power generation operation, as recited in claim 1.

Claim 1 should be allowable for at least the foregoing reasons.

The Office action also alleges that the Shiga patent discloses a control unit connected to the laminated heating element 2 in the fuel cell stack 1. This is not incorrect. Indeed, it appears that the Shiga patent does not disclose a control unit at all. Nevertheless, even if a control unit were somehow considered implicitly disclosed in the Shiga patent, which Applicants do not concede, the control unit would not be operatively connected to electrical heaters and to a water purging device, as recited in claim 1. This is because the Shiga system does not include a water purging device. Clearly then, the control unit would not be adapted to operate electrical heaters and a water purging device when a power generation stop command for stopping the power generation operation in the fuel cell stack is output, as recited in claim 1.

Claim 1 should be allowable for the foregoing additional reasons as well.

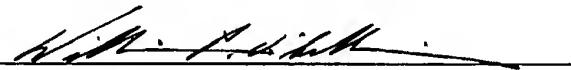
Claims 2-13 and 16 depend from claim 1 and, therefore, should be allowable for at least the same reasons as claim 1.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

No fee is believed to be due Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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